

REMARKS/ARGUMENTS

Applicants thank Examiner Mashack for the helpful and courteous interview on October 22, 2009. At that interview, it was agreed that certain amendments to claim 48 clarifying that the apparatus is penetrated through "the proximal and distal tissue layers to position" the assembly including the anchors "across" the proximal and distal tissue layers as well as clarifying that the proximal tension pulls "the distal anchor proximally against the distal side of the distal tissue layer" would distinguish and overcome the previously stated rejections over Evard '898. Such amendments are submitted herewith.

CONCLUSION

In view of these amendments, Applicants believe that independent claim 48, the only pending independent claim, as well as all claims dependent thereon are now in condition for allowance and request that the application be passed to issue at an early date.

If for any reason the Examiner believes that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at 650-326-2400.

Respectfully submitted,

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